

**CREATION OF THE HARRIS COUNTY MUNICIPAL UTILITY
DISTRICT NO. 552; GRANTING A LIMITED POWER OF
EMINENT DOMAIN; PROVIDING AUTHORITY TO ISSUE
BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 782

H.B. No. 1455

AN ACT

**relating to the creation of the Harris County Municipal Utility District No. 552;
granting a limited power of eminent domain; providing authority to issue bonds;
providing authority to impose assessments, fees, and taxes.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7978 to read as follows:

CHAPTER 7978. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 552

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7978.001. DEFINITIONS. *In this chapter:*

- (1) "Board" means the district's board of directors.
- (2) "Commission" means the Texas Commission on Environmental Quality.
- (3) "Director" means a board member.
- (4) "District" means the Harris County Municipal Utility District No. 552.

Sec. 7978.002. NATURE OF DISTRICT. *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 7978.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 7978.004. CONSENT OF MUNICIPALITY REQUIRED. *The temporary directors may not hold an election under Section 7978.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.*

Sec. 7978.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) *The district is created to serve a public purpose and benefit.*

(b) *The district is created to accomplish the purposes of:*

(1) *a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and*

(2) *Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.*

Sec. 7978.006. INITIAL DISTRICT TERRITORY. (a) *The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.*

(b) *The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:*

- (1) *organization, existence, or validity;*
- (2) *right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;*
- (3) *right to impose a tax; or*

- (4) *legality or operation.*

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7978.051. *GOVERNING BODY; TERMS.* (a) *The district is governed by a board of five elected directors.*

- (b) *Except as provided by Section 7978.052, directors serve staggered four-year terms.*

Sec. 7978.052. *TEMPORARY DIRECTORS.* (a) *The temporary board consists of:*

- (1) *Ben Gillis;*
- (2) *Bob Bryant;*
- (3) *Ken Belanger;*
- (4) *Ben Pisklak; and*
- (5) *Jonathan Blanscet.*

- (b) *Temporary directors serve until the earlier of:*

- (1) *the date permanent directors are elected under Section 7978.003; or*
- (2) *June 1, 2021.*

(c) *If permanent directors have not been elected under Section 7978.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:*

- (1) *the date permanent directors are elected under Section 7978.003; or*
- (2) *the fourth anniversary of the date of the appointment or reappointment.*

(d) *If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.*

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7978.101. *GENERAL POWERS AND DUTIES.* *The district has the powers and duties necessary to accomplish the purposes for which the district is created.*

Sec. 7978.102. *MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES.* *The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.*

Sec. 7978.103. *AUTHORITY FOR ROAD PROJECTS.* (a) *Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.*

(b) *The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.*

Sec. 7978.104. *APPROVAL OF ROAD PROJECT.* (a) *The district may not undertake a road project authorized by Section 7978.103 unless:*

- (1) *each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or*
- (2) *the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.*

(b) *Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue*

bonds for, improve, or convey a road project.

Sec. 7978.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 7978.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

- (1) a road project authorized by Section 7978.103; or
- (2) a recreational facility as defined by Section 49.462, Water Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7978.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue other than ad valorem taxes.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 7978.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7978.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 7978.153. WATER AND SEWER RATES. Notwithstanding any other law, the district shall establish the same rates for residential and commercial classes of customers for the provision of water and sewer services. For purposes of this section, the commercial class may not include apartment complexes or other multifamily dwellings.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 7978.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 7978.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 7978.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Harris County Municipal Utility District No. 552 initially includes all the territory contained in the following area:

A METES AND BOUNDS description of a certain 150.912 acre tract of land situated in the A.T. Miles Survey, Abstract No. 556, in Harris County, Texas; being part of a called 174.8682 acre tract conveyed to Metro National Corporation by Warranty Deed recorded in Harris County Clerk's File No. F546226 of the Harris County Official Public Records of Real Property; said 150.912 acres of land being more particularly described as follows with all bearings being based on the Texas Coordinate System, South Central Zone, NAD 83;

BEGINNING at a $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the southeast corner of Unrestricted Reserve "B" of Spring Shadows Subdivision Section Twenty One, plat of which is recorded in Film Code No. 349102 of the Harris County Map Records, being in the west line of Kempwood North, plat of which is recorded in Volume 133, Page 70 of the Harris County Map Records and also being in the north right-of-way line of Kemp Forest Drive (60 feet wide) as conveyed to the City of Houston by Instrument recorded in Clerk's File No. D562860 of the Harris County Official Public Records of Real Property, from said $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") a found $\frac{1}{2}$ -inch iron rod bears North 81° East, 0.71 feet, and also from said $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") a found $\frac{1}{2}$ -inch iron rod bears South $02^{\circ}30'$ East, 59.89 feet;

THENCE, South $87^{\circ}21'40''$ West, 1011.17 feet with the said north right-of-way line of Kemp Forest Drive to a 1-inch iron pipe found at the intersection with the west right-of-way line of Rosefield Drive (60 feet wide);

THENCE, South $01^{\circ}33'20''$ East, 221.36 feet with said west right-of-way line of Rosefield Drive (Clerk's File No. D562860 Houston Official Public Records of Real Property) to a $\frac{3}{4}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the northeast corner of a 10 foot by 10 foot cut back at the intersection with the north right-of-way line of another part of Kemp Forest Drive (60 feet wide), and being the northeast corner of Spring Shadows Townhouses, Section 2, as recorded in Volume 205, Page 36 of the Harris County Map Records;

THENCE, in a westerly direction with said north right-of-way line of Kemp Forest Drive and with the north line of said Spring Shadows Townhouses, Section 2, and with the north line of Spring Shadows Townhouses, Section 1, as recorded in Volume 168, Page 15 of the Harris County Map Records the following two (2) courses and distances:

1. South $43^{\circ}26'40''$ West, 14.14 feet along said cutback line to an "X" in concrete, set;
2. South $88^{\circ}26'40''$ West, at 730.06 feet passing a found 1-inch iron pipe, 0.53 feet right, at 2113.30 feet passing the southeast corner of Unrestricted Reserve "A" of Spring Shadows Subdivision Section Twenty One, plat of which is recorded in Film Code No. 349102 of the Harris County Map Records, in all 2556.20 feet to a $\frac{5}{8}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") set at the southeast corner of a cutback, same being the most easterly corner of a called 0.0022 acre right-of-way dedication shown on said plat recorded in Film Code No. 349102 of the Harris County Map Records, from said $\frac{5}{8}$ -inch iron rod (with cap stamped "Cotton Surveying Company"), a found $\frac{5}{8}$ -inch iron rod bears South $88^{\circ}26'40''$ West, 0.33 feet;

THENCE, North $46^{\circ}48'15''$ West, 24.28 feet along said cutback line to a $\frac{5}{8}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") set in the east line of Street Dedication Plat for Gessner Road, plat of which is recorded in Volume 172, Page 8 of the Harris County Map Records and also being in the east right-of-way line of Gessner Road (100 feet wide);

THENCE, North $02^{\circ}03'10''$ West along said east line of Gessner Road, at 900.00 feet passing a found $\frac{5}{8}$ -inch iron rod at the southerly northwest corner of said Unrestricted Reserve "A", in all 1833.03 feet to a $\frac{5}{8}$ -inch iron rod (with cap stamped "Cotton Surveying Company") set at the southwest corner of a 10 foot by 10 foot cutback at the intersection with the south right-of-way line of Clay Road, said iron rod being the southwest corner of a called 0.2512 acre tract recorded in Clerk's File No. E249611 of the Harris County Official Public Records of Real Property;

THENCE, North $42^{\circ}39'45''$ East, 14.21 feet along said cutback line to a $\frac{5}{8}$ -inch iron rod (with cap stamped "Jones|Carter Property Corner") set in the south line of Clay Road (ROW varies);

THENCE, in an easterly direction with the said southerly right-of-way line of Clay Road, the southerly line of said 0.2512 acre tract and the apparent southerly line of a called 1.4830 acre tract conveyed to the City of Houston and recorded in Clerk's File No. R166519 of the Harris County Official Public Records of Real Property, the following seven (7) courses and distances:

1. North 87°22'24" East, 427.90 feet to a 5/8-inch iron rod (with cap stamped "Cotton Survey Company") set at the southeast corner of said 0.2512 acre tract;
2. North 02°37'36" West, 2.76 feet to a 5/8-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod bears South 87°22'24" West, 0.32 feet;
3. North 87°22'24" East, 2146.02 feet to an "X" in concrete;
4. South 47°27'19" East, 21.15 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod (with cap stamped "American Luper 4752") bears North 26° West, 0.73 feet;
5. North 87°22'24" East, 80.00 feet to a 3/4-inch iron rod (with cap stamped "Jones|Carter Property Corner") set, from which a found 5/8-inch iron rod (with cap stamped "American Luper 4752") bears North 24° West, 0.71 feet;
6. North 42°33'10" East, 21.28 feet to a point in a control box;
7. North 87°22'24" East, 902.61 feet to a bolt securing a guard rail found at the northeast corner of the herein described tract from which a green cap stamped "Jones|Carter Reference Point" set in concrete slope paving bears South 02°03'10" East, 5.00 feet;

THENCE, South 02°03'10" East, at 224.38 feet passing a found 1/2-inch iron rod, at 869.51 feet passing a found 1/2-inch (with cap stamped "Precision Surveyors"), 0.55 feet left, at 1493.03 feet passing a found 1/2-inch iron rod, 0.44 feet right, in all 1679.63 feet with the west line of a called 2.0618 acre tract recorded in Clerk's File No. V733122 of the Harris County Official Public Records of Real Property and the west line of said Kempwood North Subdivision to the POINT OF BEGINNING, CONTAINING 150.912 acres of land in Harris County, Texas.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 7978.106, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 7978, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7978.106 to read as follows:

Sec. 7978.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect June 1, 2017, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 141, Nays 3, 3 present, not voting; passed by the Senate on May 22, 2017: Yeas 29, Nays 1.

Filed without signature June 15, 2017.

Effective June 15, 2017.

**AN ELECTION OF THE BOARD OF DIRECTORS OF THE
OCHILTREE COUNTY HOSPITAL DISTRICT**

CHAPTER 783

H.B. No. 1631

AN ACT

relating to an election of the board of directors of the Ochiltree County Hospital District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1071.053, Special District Local Laws Code, is amended to read as follows:

Sec. 1071.053. **BALLOT APPLICATION [PETITION]**. A person who wants to have the person's name printed on the ballot as a candidate for director must file with the board secretary *an application in accordance with Chapter 144, Election Code* ~~a petition requesting that action. The petition must be:~~

~~[(1) signed by at least 25 registered voters; and~~

~~[(2) filed not later than the 25th day before the date of the election].~~

SECTION 2. This Act takes effect September 1, 2017.

Passed by the House on April 13, 2017: Yeas 133, Nays 5, 3 present, not voting; passed by the Senate on May 24, 2017: Yeas 31, Nays 0.

Filed without signature June 15, 2017.

Effective September 1, 2017.

**CREATION AND OPERATIONS OF HEALTH CARE PROVIDER
PARTICIPATION PROGRAMS IN CERTAIN COUNTIES**

CHAPTER 784

H.B. No. 2062

AN ACT

relating to the creation and operations of health care provider participation programs in certain counties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle D, Title 4, Health and Safety Code, is amended by adding Chapter 292A to read as follows:

**CHAPTER 292A. COUNTY HEALTH CARE PROVIDER PARTICIPATION
PROGRAM IN CERTAIN COUNTIES BORDERING RED RIVER**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 292A.001. **DEFINITIONS.** *In this chapter:*

(1) "Institutional health care provider" means a nonpublic hospital that provides inpatient hospital services.

(2) "Paying hospital" means an institutional health care provider required to make a mandatory payment under this chapter.